

PROVINCETOWN

Town Warrant • April 2018



PROVINCETOWN BANNER PUBLISHED MARCH 15, 2018

TOWN WARRANT

Special Town Meeting – Monday, April 2, 2018

Commonwealth of Massachusetts Barnstable, ss.

To either of the Constables of the Town of Provincetown,
Greetings:

In the Name of the Commonwealth of Massachusetts and in the manner prescribed in the Charter and Bylaws of said Town, you are hereby directed to notify the inhabitants of the Town qualified by law to vote in Town affairs to meet and assemble at **Provincetown Town Hall, 260 Commercial Street, on Monday, the second day of April, A.D. 2018 at 6 o'clock in the evening,** then and there to act on the following articles, to wit:

Article 1. FY 2018 Budget Adjustments. To see what amendments the Town will vote to make to the Fiscal Year 2018 operating budgets established under Article 2 of the April 2017 Annual Town Meeting and what sums the Town will vote to raise and appropriate or transfer from available funds therefor; or to take any other action relative thereto.

[Requested by the Board of Selectmen and Town Manager]

Article 2. Prior Year Bills. To see what sum the Town will vote to raise and appropriate or transfer from available funds for the purpose of paying prior year unpaid bills; or to take any other action relative thereto.

[Requested by the Board of Selectmen and Town Manager]

Article 3. Close Prior Year Unspent Articles. To see if the Town will vote to close and transfer from the following unspent articles:

1. 2010 STM Article 15 Land Bank Preacquisition Expenses – Unspent appropriation to be closed and transferred to the Land Bank Fund
2. 2012 STM Article 8 Cemetery Lot Buyback – Unspent appropriation to be closed and transferred to the Sale of Cemetery Lots Fund

or to take any other action relative thereto.

[Requested by the Town Manager]

Article 4. Rescind Borrowing Authority. To see if the Town will vote to rescind the following unused borrowing authorizations:

Date of Vote	Town Meeting	Art No.	Purpose	Fund	Amount Authorized	Total Borrowed to 4/02/18	Rescind Unused Balance
4/04/11	2011 ATM	5-5	DPW Fleet	General	\$181,782	\$179,617	\$2,165
4/10/12	2012 ATM	5-11	Emergency Shelter Shutter Grant	General	\$406,417	\$11,836	\$394,581
4/01/13	2013 STM	14	Excavator	Water Enterprise	\$55,000	\$50,000	\$5,000

or to take any other action relative thereto.

[Requested by the Board of Selectmen and Town Manager]

Article 5. Request for Bulletproof Vests for the Police Department. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$11,000 to be expended under the direction of the Town Manager and the Chief of Police for the purchase of 12 bulletproof vests; or to take any other action relative thereto.

[Requested by the Board of Selectmen and Town Manager]

Article 6. Request for Radar Speed Advisory Signs for the Police Department. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$5,800 to be expended under the direction of the Town Manager and the Chief of Police for the purchase of two radar speed advisory signs; or to take any other action relative thereto.

[Requested by the Board of Selectmen and Town Manager]

Article 7. Provincetown Schools Special Education Funding. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$199,744 to be expended under the direction of the School Superintendent for costs associated with a residential placement of a student in fulfillment of an Individual Education Plan; or to take any other action relative thereto.

[Requested by the Board of Selectmen and Town Manager]

Article 8. Aquaculture Support Services. To see if the Town will raise and appropriate or transfer from available funds the sum of \$8,000 to be expended under the direction of the Town Manager and Shellfish Constable to install four (4) additional nursery boxes, with associated plumbing, at Bennett Pier Nursery and to pay for fees associated with the pre-permitting process of aquaculture on the Town's tidal flats; or to take any other action relative thereto.

[Requested by the Board of Selectmen and Town Manager]

Article 9. Charter Commission Expenses. To see if the Town will vote to transfer from free cash the sum of \$6,575 for the printing and distribution of the Final Report of the Provincetown Charter Commission, which must be distributed by law according to the provisions of MGL 43B, Sec. 11, to each residence of one or more registered voters; or to take any other action relative thereto.

[Requested by the Board of Selectmen and Town Manager]

Article 10. CIP Request for Replacement of Fire Vehicles.

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the following sums for replacement of two fire vehicles provided that one or more of the appropriations listed below shall be contingent on a Proposition 2 1/2 debt exclusion ballot question:

1. Fire Truck I - \$500,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the replacement of the 2002 Freightliner, and costs related thereto;
2. Fire Truck II - \$500,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the replacement of the 2003 HME, and costs related thereto; or to take any other action relative thereto.

[Requested by the Board of Selectmen and Town Manager]

BOARD OF SELECTMEN TOWN OF PROVINCETOWN

Cheryl Andrews, Chairman
Erik Yingling, Vice-Chairman
Thomas Donegan
Robert Anthony
Louise Venden

A TRUE COPY, ATTEST:

Darlene Van Alstyne

Town Clerk

Date of publishing: March 15, 2018

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TOWN WARRANT

Annual Town Meeting – Monday, April 2, 2018

Commonwealth of Massachusetts Barnstable, ss.

To either of the Constables of the Town of Provincetown,
Greetings:

In the Name of the Commonwealth of Massachusetts and in the manner prescribed in the Charter and Bylaws of said Town, you are hereby directed to notify the inhabitants of the Town qualified by law to vote in Town affairs to meet and assemble at **Provincetown Town Hall, 260 Commercial Street, on Monday, the second day of April, A.D. 2018 at 6 o'clock in the evening,** then and there to act on the following articles, to wit:

Article 1. To Hear Town Reports. To see if the Town will vote to hear the reports of the Town Officials, Boards and Committees and to act thereon.

[Requested by the Board of Selectmen]

REGULAR AGENDA

Article 2. FY 2019 Operating Budget. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$27,160,123 to fund operating budgets for several Town departments for Fiscal Year 2019 in accordance with Chapter 9, Section 1 of the Provincetown Charter, as follows:

Budget Divisions	FY 2018	FY 2019	% change
I. General Government	\$1,096,663	\$984,238	-10.3%
II. Finance	10,670,832	11,019,297	+3.3%
III. Public Safety	5,931,957	6,415,920	+8.2%
IV. Public Works	3,506,738	3,674,739	+4.8%
V. Public Services	871,998	918,582	+5.3%
Sub-total, I-V	\$22,078,188	\$23,012,776	+4.2%
VI. Public Schools	3,809,164	4,147,347	+8.9%
Total, I-VI	\$25,887,352	\$27,160,123	+4.9%

or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Town Manager]

Article 3. FY 2019 Cape Cod Regional Technical High School Assessment. To see if the Town will vote to raise and appropriate or transfer from available funds \$144,381 to fund the Town of Provincetown's assessment for the CCRTHS FY2019 operating budget; or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Town Manager]

Article 4. FY 2019 Enterprise Funds. To see if the Town will vote to raise and appropriate or transfer from available funds the following amounts for enterprise funds of the Town of Provincetown for Fiscal Year 2019:

6001 Water Enterprise Fund	FY 2018	FY 2019	% change
Enterprise Fund Costs	\$2,302,098	\$2,084,206	
General Fund Costs	<u>360,489</u>	<u>398,184</u>	
TOTAL COSTS	\$2,662,587	\$2,482,390	-7.5%
6002 Wastewater Enterprise Fund	FY 2018	FY 2019	% change
Enterprise Fund Costs	\$4,468,393	\$4,391,287	
General Fund Costs	<u>142,132</u>	<u>150,056</u>	
TOTAL COSTS	\$4,610,525	\$4,541,343	-1.5%

or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Town Manager]

Article 5. Universal Prekindergarten for 4 and 5 Year Olds. To see if the Town will vote to raise and appropriate the sum of \$120,000 to fund Universal Prekindergarten for 4 and 5 year olds, provided that this appropriation shall be contingent on the passage of a Proposition 2 ½ override vote in accordance with MGL Chapter 59, Section 21 C(m); or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Article 6. Preschool for 3 and 4 Year Olds. To see if the Town will vote to raise and appropriate the sum of \$100,000 to fund Preschool for 3 and 4 year olds, provided that this appropriation shall be contingent on the passage of a Proposition 2 ½ override vote in accordance with MGL Chapter 59, Section 21 C(m); or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Article 7. Wee Care. To see if the Town will vote to raise and appropriate the sum of \$88,000 to fund Wee Care for infants and toddlers, provided that this appropriation shall be contingent on the passage of a Proposition 2 ½ override vote in accordance with MGL Chapter 59, Section 21 C(m); or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Article 8. Funding for Economic Development Committee. To see if the Town will vote to raise and appropriate \$26,000 with \$1,000 for Committee expenses and \$25,000 in funds available to be awarded in grants to develop increased year-round economic opportunities. Grants shall be subject to approval by the Board of Selectmen. Committee Mission Statement: Encourage initiatives to which the Town of Provincetown might grant funding that will increase year-round economic opportunities for Provincetown citizens without creating adverse impacts on the character of our community or our natural environment; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Article 9. Community Preservation Budget for FY 2019.

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2019 Community Preservation Budget, to appropriate or reserve for future spending the following amounts as recommended by the Community Preservation Committee, with each item considered a separate appropriation:

- Reserves: Part 1
 - \$63,343 for Open Space;
 - \$380,055 for Community Housing;
 - \$63,343 for Historic Resources;
- Debt Service Appropriations: Part 2
 - \$204,575 for Community Housing debt service;
 - \$50,354 for Open Space debt service;
 - \$159,856 for Historic Preservation debt service;
- Grant Requests Appropriations: Part 3
 - Community Housing - \$15,000 for the Cape Housing Institute, a training and education program through the

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Community Development Partnership (CDP), and said funds to be spent under the direction of the Town Manager subject to a grant agreement between the Town and the CDP.

- B. Community Housing - \$50,000 for a Housing Down Payment Assistance Program through the Provincetown Housing Office, and said funds to be spent under the direction of the Town Manager.
- C. Community Housing - \$50,853 for the Community Housing Office, including a full-time Housing Specialist and Community Preservation Act (CPA) administration.
- D. Administrative Expenses - \$20,000 for CPA administrative expenses;

or to take any other action relative thereto.

[Requested by the Community Preservation Committee]

Article 10. FY 2019 Capital Improvements Program. To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the following sums to defray the costs of the Fiscal Year 2019 Capital Improvements Program submitted in accordance with Chapter 9, Section 2 of the Provincetown Charter as follows, provided that one or more of the appropriations listed below shall be contingent on a Proposition 2½ capital outlay or debt exclusion ballot question:

1. Fire Department Radio Replacement - \$269,446 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the replacement of 39 portable and 11 mobile radios with digital ready FCC, P-25 and MA Communication Plan compliant radios; and costs related thereto;
2. Fire Department Pick-up Truck - \$50,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the purchase of a new 4-wheel drive pickup truck to replace the existing Hummer; and costs related thereto;
3. Fire Department Deputy Chief Vehicle - \$60,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the replacement of the Deputy Chief's vehicle; and costs related thereto;
4. Marine Department Harbormaster Pick-up Truck Replacement - \$17,500 to be expended under the direction of the Town Manager to pay for the Town's portion of the replacement of the Harbormaster's vehicle; and costs related thereto;
5. Police Department Radio Replacement - \$325,368 to be expended under the direction of the Town Manager and the Chief of Police for the replacement of the Police Department's mobile radios with digital ready FCC, P-25 and MA Communication Plan compliant radios; and costs related thereto;
6. Police Fleet Upgrade Plan - \$110,520 to be expended under the direction of the Town Manager and the Chief of Police for the purchase of two police vehicles pursuant to the Police Fleet Replacement Plan and one Parking Enforcement vehicle; and costs related thereto;
7. Public Works Fleet Replacement - \$125,000 to be expended under the direction of the Town Manager and the Director of Public Works for the replacement of a Highway Department backhoe; and costs related thereto;
8. DPW Street and Sidewalk Maintenance and Repair - \$55,000 to be expended under the direction of the Town Manager and the Director of Public Works for maintenance and repair of

streets and sidewalks; and costs related thereto;

9. Commercial Street Reconstruction - \$1,075,000 to be expended under the direction of the Town Manager and the Director of Public Works to fund the design and construction of Phase IV Reconstruction of Commercial Street; and costs related thereto;
10. Bradford/Prince Street Intersection Rehabilitation - \$340,000 to be expended under the direction of the Town Manager and the Director of Public Works to fund design and construction for the rehabilitation of the Bradford Street and Prince Street intersection; and costs related thereto;
11. Pier Infrastructure Maintenance - \$200,000 to be expended under the direction of the Town Manager and the Provincetown Public Pier Corporation for the Maintenance and Improvement Program for MacMillan Pier; and costs related thereto;
12. Storm Water Management - \$100,000 to be expended under the direction of the Town Manager and the Director of Public Works to be used for ongoing improvements to the Town's drainage system in conjunction with applying for various grants that may become available; and costs related thereto;
13. Pavement Management Plan - \$225,000 to be expended under the direction of the Town Manager and the Director of Public Works to continue additional roadway paving maintenance as outlined in the Town-wide Pavement Management Plan; and costs related thereto;
14. Public Works Building Maintenance - \$75,000 to be expended under the direction of the Town Manager and the Director of Public Works for fire suppression system upgrades in the computer server rooms of Town Hall, Veterans Memorial Community Center and the Provincetown Public Library; and costs related thereto;
15. Fire Department Main Station Boiler Replacement - \$105,513 to be expended under the direction of the Town Manager and the Department of Public Works for the replacement of the boiler in the Main Fire Station; and costs related thereto;
16. Marine Department Shoreline Protection Projects - \$200,000 to be expended under the direction of the Town Manager for funding and grant requests for beach nourishment and shoreline protection projects; and costs related thereto;
17. Pilgrims' First Landing Park - \$200,000 to be expended under the direction of the Town Manager and the Director of Public Works to fund the rehabilitation of Pilgrims' First Landing Park; and costs related thereto;
18. Use of Parking Funds for Municipal Lot Equipment Upgrades - \$450,000 from the Parking Fund to be expended under the direction of the Town Manager for the Parking Control System and Revenue Collection System for the Town Parking Lots; and costs related thereto;
19. Water Department-Fleet Replacement - \$30,000 to be expended under the direction of the Town Manager and the Water Superintendent for the replacement of a Water Department pickup truck pursuant to the Water Fleet Replacement Plan; and costs related thereto;
20. Water Department-Winslow Water Tank Maintenance - \$450,000 to be expended under the direction of the Town Manager and the Water Superintendent to fund routine maintenance of the Winslow Water Tank to avoid structural problems and maintain water quality; and costs related thereto; or to take any other action relative thereto.

[Requested by the Board of Selectmen and Town Manager]

Article 11. General Purpose Stabilization Fund Reserves. To see if the Town will vote to raise and appropriate or transfer from available funds \$290,000 to fund the General Purpose

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Stabilization Fund; or to take any other action relative thereto.
[Requested by the Board of Selectmen and Town Manager]

Article 12. OPEB Funding. To see if the Town will vote to raise and appropriate or transfer from available funds \$427,532 to fund a contribution to the OPEB trust fund; or to take any other action relative thereto.
[Requested by the Board of Selectmen and Town Manager]

PETITIONED ARTICLES

Article 13. Petitioned Article – No Neonics. To see if the Town will vote to ban the sale and import of all Neonicotinoids, including the import of plants treated with said ingredient, in the Town of Provincetown effectively immediately.
[Requested by Tracy Kachtick-Anders and others]

Article 14. Petitioned Article – General Bylaw Amendment – Chapter 4, Town Meeting and Town Elections. Limitation on Duration of Speeches. (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote to amend the Provincetown General Bylaw Section 4-3-2, Limitation on Duration of Speeches as follows:

4-3-2. Limitation on duration of speeches.
No person shall speak for more than ~~five (5)~~ three (3) minutes on any question unless the time shall be extended by vote of the meeting; or take any other action relative thereto.
[Requested by Jennifer Cabral and others]

Article 15. Petitioned Article – A Non-Binding Resolution-Regarding Designation of Tiny House Village. To see if the Town shall instruct the Planning Board to work with all other relevant boards and committees, as well as hold open citizen meetings, to develop zoning and other related bylaw changes, additions, and/or deletions and return to the next Town Meeting with one or more articles regarding “Tiny House Villages.” If, however, obstacles (whether legal, zoning, etc.) are identified, rather than submit one or more articles, the Planning Board shall instead present a written and oral report within eight months to the BOS and public in an open forum explaining how the Town might overcome obstacles related to permitting for year-round owner-occupied Tiny Houses. The report of the Planning Board should include the following:

- 1) To recommend to Town Meeting amendments to zoning bylaws to create a new designation of “Tiny House Village,” consisting of a lot with multiple year-round occupied Tiny House dwellings (defined as a detached structure of less than 500 square feet containing a single dwelling unit on an approved foundation). The Tiny House owner will sign a land lease (or similar vehicle for use of the land). If the Tiny House owner chooses, the owner will be able to remove the Tiny House from the foundation for transport.
- 2) To review the MA Attorney General ruling approving the Town of Nantucket articles on Tiny Houses, as well as the articles themselves, and determine implications and possible opportunities for Provincetown.
- 3) To assess the VFW property, and if possible other Town-owned properties, for the creation of a Tiny House Village. To determine the maximum allowable density for the site, either as a Tiny House Village or sharing the site with units based upon Town housing needs whether studio, 1 bedroom

or family-sized units. Items to consider include ideal density to balance green space, a buffer zone for neighboring properties, sufficient room for parking, and other needs.

- 4) To survey Town residents to determine the number of people interested in living in an off-grid tiny house or on-grid tiny house, as an owner, renter, or in a rent-to-own scenario, as well as learn how soon they would be ready to move into a Tiny House.
- 5) To direct the appropriate Town boards or personnel to continue to identify Town-owned properties that may be suitable for Tiny House use.
- 6) To explore avenues to allow for year-round use of Tiny Houses built on moveable trailers. Or take any other action relative thereto.

[Requested by Stephan Cohen and others]

Article 16. Petitioned Article – Non-binding Resolution on Tiny Houses in the Commonwealth of Massachusetts. To see if the Town will vote to approve the following resolution:

Be it resolved, that the Town of Provincetown through this resolution, call on the Governor and General Court to take all necessary regulatory and legislative action necessary to accommodate “tiny houses” in the Commonwealth.

And furthermore be it resolved the Board of Selectmen and Town Manager take any appropriate action to advocate for changes in state legislation, building codes, and regulations to accommodate tiny houses.

And finally be it resolved the Town Clerk shall deliver a certified copy of this resolution to our state representative, state senator and the Governor of the Commonwealth forthwith. Or take any other action relative thereto.

[Requested by Stephan Cohen and others]

Article 17. Petitioned Article –Non-binding Resolution - Temporary Use of the VFW property. To see if the Town will vote to temporarily allow the lease at a rate of \$300 on a monthly basis of designated “lots” on the VFW property for owner-occupied year-round off-grid Tiny Houses constructed on a trailer until a permanent plan is enacted for the VFW property with this use to be reviewed and renewed annually at Town Meeting. Tiny House placement shall be at least 20 feet from the property line where there are neighboring residences. Or take any other action relative thereto.

[Requested by Stephan Cohen and others]

Article 18. Petitioned Article –Non-binding Resolution - Petition for Safe Communities Act. To see if the Town will vote to request that Selectmen authorize all Town officials to refrain from using Town funds and other Town resources for the enforcement of federal immigration laws to the extent permissible by law, and unless presented with a criminal warrant or other evidence of probable cause as required by the 4th Amendment of the US Constitution (non-binding resolution). And, furthermore to see if the Town will vote to request that the Selectmen protect the civil liberties and human rights of all residents and visitors regardless of race, ethnicity, religion, ability, sexual and gender identity, national origin or citizenship and immigration status. Or take any other action relative thereto.

[Requested by Alison Dwyer and others]

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Article 19. Petitioned Article –Non-binding Resolution - Name Change for Selectmen. To see if the Town will vote to change the name from “Board of Selectmen” to “Select Board/Board of Select” to exhibit gender neutrality as do all other boards representing Provincetown. Or take any other action relative thereto.

[Requested by Tracy Kachtick-Anders and others]

Article 20. Petitioned Article – General Bylaw Amendment. Polystyrene Reduction Bylaw. (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote to amend the Provincetown General Bylaw Chapter 13 Prohibited Activities as follows:

13-7. Polystyrene Reduction Bylaw

13-7-1. Purpose and Intent

The use and disposal of polystyrene has significant impacts on our Town and our environment, including but not limited to:

1. Harm to marine and terrestrial animals through ingestion.
2. Pollution and degradation of the terrestrial and coastal environment.
3. Human exposure to styrene, which is derived from benzene and used in the manufacture of polystyrene. Occupational studies have shown risks for leukemia and lymphoma, and genetic damage to white blood cells. Styrene is “reasonably anticipated to be a human carcinogen” (US Department of Health and Human Services, 2016).
4. Disposal burdens of difficult to recycle plastics for solid waste collection and recycling facilities.

With the goal of protecting the health of its citizens and the unique natural beauty and irreplaceable natural resources of the Town of Provincetown, and given that inexpensive, safe alternatives to polystyrene are easily obtained, the Town will phase out the use of certain polystyrene plastics by June 1, 2019.

13-7-2. Definitions

“Polystyrene Disposable Food Services Containers and Cutlery” shall mean single-use disposable products for serving or transporting food or beverages, including without limitation take-out foods and/or leftovers from partially consumed meals prepared by a restaurant and/or retail food establishment. This includes but is not limited to plates, cups, bowls, trays, hinged or lidded containers, straws, cup lids, and cutlery. It shall also include single-use disposable packaging for uncooked foods prepared on the premises, as well as disposable catering trays.

“Expanded or Foam Polystyrene” and “Polystyrene” shall mean blown polystyrene (polystyrene that has been expanded or blown using a gaseous blowing agent into a solid foam) and expanded and extruded forms, which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including but not limited to fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion blown molding (extruded foam polystyrene), sometimes called Styrofoam, a Dow Chemical Co. trademarked form of polystyrene foam. It bears the recycling number 6.

“Food Establishments” shall mean any operations, including

without limitation schools, farmers markets and other public venues that store, prepare, package, serve, vend or otherwise provide food for human consumption. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered Food Establishments for the purpose of this bylaw.

“Retail Establishments” shall mean any commercial business facility that sells goods directly to consumers including but not limited to grocery stores, pharmacies, liquor stores, convenience stores, retail stores and vendors selling clothing, food, and personal items, dry cleaning services, theaters and all other food services establishments.

“Public Venues” shall mean operations including but not limited to meeting halls, churches, Town offices, the Senior Center, Recreation Department, Library and Provincetown Elementary School.

13-7-3. Use Regulations

Polystyrene disposable food service containers, cutlery, and new polystyrene packing peanuts shall not be used or sold by food establishments and/or retail establishments within the Town of Provincetown on or after June 1, 2019. Any stock remaining after that date shall be accepted for disposal free of charge, through June 30, 2019, at the Provincetown Transfer Station/Recycling Center.

This bylaw shall not apply to:

1. Polystyrene packing peanuts and foam packaging reused from shipments coming to Provincetown.
2. Prepackaged meat and produce trays, egg cartons, and other food or beverage products bought from wholesaler or out of Town supplier.
3. Polystyrene foam freezer chests.

13-7-4. Administration And Enforcement

This Bylaw may be enforced by any agent of the Board of Health through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to MGL Chapter 40, Section 21D and Article VII General Section 37. Penalties And Enforcement of the Town’s General Bylaws. If non-criminal disposition is elected, then any establishment which violates any provision of this bylaw shall be subject to the following penalties:

<u>First Offense:</u>	<u>\$100 fine</u>
<u>Second Offense:</u>	<u>\$200 fine</u>
<u>Third and Subsequent Offenses:</u>	<u>\$300 fine for each offense</u>

Offenses occurring within two years of the date of first reported offense will be considered as subsequent offenses. Each day or portion thereof shall constitute a separate offense, to do or act anything thereon.

The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and 590.15, may suspend or revoke the food service permit for any establishment failing to comply with this bylaw.

13-7-5. Severability

If any provision of this Bylaw is declared invalid, or unenforceable, the other provisions shall not be affected thereby. Or take any other action relative thereto.

[Requested by Anne Stott and others]

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Article 21. Petitioned Article – General Bylaw Amendment.
Single Use Plastic Straw Ban Bylaw. (Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown General Bylaw Chapter 13 Prohibited Activities as follows:

13-8. Single Use Plastic Straw Ban

13-8-1. Intentions and Findings.

It has been found that:

- 1) Plastic straws are rarely recycled.
- 2) Provincetown's proximity to the ocean means that plastic straws that go uncollected by DPW have a high chance of ending up on the beaches or in the bay.
- 3) Plastic straws take up to 200 years to degrade and are never fully absorbed by the planet.
- 4) The degrading of plastic straws releases chemicals toxic to wildlife and the environment the United States uses 500 million straws per day.
- 5) There is currently a national movement to reduce and ban the use of plastic straws and reasonable affordable alternatives are available.

Because Provincetown has a duty to protect the natural environment, the economy, and the health of its citizens, this amendment proposes to ban the sale or dispensing of single use plastic straws, including those made from polyethylene, polypropylene, and polystyrene, by any food establishment, retail establishment, or public venue in the Town of Provincetown.

13-8-2. Definitions

"Plastic straw" shall mean any single use plastic straw including but not limited to those made from polyethylene, polypropylene, and polystyrene.

"Food Establishments" shall mean any operations including without limitation schools, farmers markets and other public venues that store, prepare, package, serve, vend or otherwise provide food for human consumption. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered Food Establishments for the purposes of this bylaw.

"Retail Establishments" shall mean any commercial business facility that sells goods directly to consumers including but not limited to grocery stores, pharmacies, liquor stores, convenience stores, retail stores and vendors selling clothing, food, and personal items, dry cleaning services, theaters and all other food services establishments.

"Public Venues" shall mean operations including but not limited to meeting halls, churches, Town offices, the Senior Center, Recreation Department, Library, and the Provincetown Elementary School.

13-8-3. Use Regulations

Plastic straws shall not be used, dispensed, or sold by food establishments and/or retail establishments within the Town of Provincetown on or after June 1, 2019. Any stock remaining after that date shall be accepted for disposal free of charge, through June 30, 2019, at the Provincetown Transfer Station/Recycling Center.

13-8-4. Administration And Enforcement

This Bylaw may be enforced by any Town Police Officer or agent of the Board of Health through any lawful means in law or in equity, including but not limited to non-criminal disposition pursuant to

MGL Chapter 40 Section 21D and Article VII General Section 37. Penalties And Enforcement of the Town's General Bylaws. If non-criminal disposition is elected, then any Establishment which violates any provision of this Bylaw shall be subject to the following penalties:

<u>First Offense:</u>	<u>\$100 fine</u>
<u>Second Offense:</u>	<u>\$200 fine</u>
<u>Third and Subsequent Offenses:</u>	<u>\$300 fine for each offense</u>

Offenses occurring within two years of the date of first reported offense will be considered as subsequent offenses. Each day or portion thereof shall constitute a separate offense, to do or act anything thereon.

The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and 590.15, may suspend or revoke the food service permit for any establishment failing to comply with this Bylaw.

13-8-5. Severability

If any provision of this bylaw is declared invalid, or unenforceable, the other provisions shall not be affected thereby. Or take any other action relative thereto.

[Requested by Anne Stott and others]

TOWN BOARD ARTICLES

Article 22. Home Rule Petition/Charter Amendment/Additional Alternate on Conservation Commission. To see if the Town will vote to instruct its senator and representative in the General Court to file a home rule petition for a special act to read as follows; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, and provided further that if the revised charter is approved by the voters at the May 1, 2018, Annual Town Election, no such petition pursuant to a vote in favor of this article shall be submitted to the General Court, and provided further that if the revised charter is approved by the voters at the May 1, 2018 Annual Town Election, no such petition pursuant to a vote in favor of this article shall be submitted to the General Court.

The Charter of the Town of Provincetown, which is on file in the office of the Archivist of the Commonwealth as provided in Section 12 of Chapter 43B of the General Laws, is hereby amended by changing Chapter 6, Section 6-1, to add a second alternate member to the Conservation Commission, for a total of five regular members and two alternate members, to read as follows:

6-6-1 There shall be a conservation commission as provided by G.L. c. 40 s 8C, consisting of five regular members and ~~one~~ two alternate members appointed by the town manager with the approval of the board of selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year; or to take any other action relative thereto.

[Requested by the Conservation Commission]

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Article 23. Residential Exemption Increase— A Non-Binding Resolution. To see if the Town will vote a non-binding resolution to direct the Board of Selectmen to raise the residential exemption from 20% to 23%; or to take any other action relative thereto.

[Requested by the Finance Committee]

Article 24. Development Consultant. To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds \$75,000 to be used to hire a development consultant to assist with financing, cost estimating, site planning, other related actions and development options up to and including entering into one or more development agreements for housing on the Town-owned property located at 3 Jerome Smith Road and the property at 26 Shank Painter Road for housing and/or commercial space; or to take any other action relative thereto.

[Requested by the Finance Committee and the Board of Selectmen]

Article 25. General Bylaw Amendment: Anti-discrimination Policy. (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote to amend the Provincetown General Bylaws by amending §6-4-7, as set forth below:

6-4-7. Anti-discrimination ~~clause~~ Policy. It is the policy of the Town of Provincetown to uphold the human rights of all persons in Provincetown and the free exercise and enjoyment of any and all rights and privileges secured by the Constitution, Law, Bylaws and Regulations of the United States, the Commonwealth of Massachusetts, and the Town of Provincetown. As such, actions that may deny or tend to deny or intend to deny to an individual equal access or opportunity in matters of housing, employment, education, municipal services, contracts, purchasing or public accommodations on the basis of age, ancestry, color, disability, family status, gender identity or expression, military status, marital status, national origin, race, religion, sex or sexual orientation, are hereby prohibited. No ~~lease or contract for services or public works and public building construction contracts~~ shall be entered into by any Town authority without an anti-discrimination ~~clause~~ “that no person shall, on the grounds of race, color, national origin, sex or sexual preference, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any form.” certification signed by the contractor as follows:

The contractor hereby certifies that the Contractor will not discriminate against any employee or applicant for employment on the basis of age, ancestry, color, disability, family status, gender identity or expression, military status, marital status, national origin, race, religion, sex or sexual orientation. The contractor has taken and will continue to take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to age, ancestry, color, disability, family status, gender identity or expression, military status, marital status, national origin, race, religion, sex or sexual orientation. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination; or to take any other action relative thereto.

[Requested by the Finance Committee]

Article 26. Visitor Services Board – Amendments to Board Composition. To see if the Town will vote to amend its previous vote under Article 64 of the April 5, 1999, Annual Town Meeting relative to the composition of the seven member Visitor Services Board by deleting representative appointments and replacing with the following:

The Visitor Services Board shall consist of seven regular members appointed at large by the Board of Selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Article 27. Human Resources Expert. To see if the Town will vote to raise and appropriate the sum of \$20,000 to hire an expert human resources consultant per the Town’s proposed Charter Amendments provided that this appropriation shall be contingent on the passage of a Proposition 2 ½ override vote in accordance with MGL Chapter 59, Section 21 C(m) and passage of the Charter Amendments ballot vote; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

GENERAL BYLAW AMENDMENT ARTICLES

Article 28. General Bylaw Amendment: Chapter 5, Section 15 Economic Development Permits. (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote to amend the Provincetown General Bylaws by amending Section 5-15 as follows:

Provincetown General Bylaw 5-15. Economic Development Permits

1. The Board of Selectmen is hereby authorized to issue economic development permits. The Board shall adopt guidelines, hereinafter referred to as “Permit Guidelines,” for such economic development. Applications for an economic development permit shall be filed in the Office of the Board of Selectmen. The Board shall consider its guidelines with respect to each permit application. Economic development permits may be used to qualify for such preferences and permits as may be established by the Town or its boards or officers by guidelines, regulations or bylaws having as their purpose fostering year-round economic development. Each property for which an economic development permit is granted shall be deemed a public service use under Section 3 of Chapter 15 of the Acts of 2000. Economic development permits may require the execution of an agreement, a covenant or other recordable instrument that ensures the continued use of the property in question for purposes consistent with the Permit Guidelines and the conditions pursuant to which the economic development permit was issued.

2. The Board of Selectmen may acquire in the name of the Town by gift or grant, or by purchase with funds that may be appropriated or otherwise available for such purpose, covenants with respect to real property, for such term of years as the Selectmen deem appropriate, the purpose of which is to ensure that said property shall be used for purposes consistent with the Permit Guidelines and the conditions pursuant to which the economic development permit was issued. Such agreements or covenants shall be enforceable by the Board of Selectmen, which may amend or release any such agreement or covenant if the

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Board of Selectmen deems such amendment or release to be in the best interest of the Town.

3. The Town's remedies shall include, without limitation, revocation of an Economic Development Permit by order of the Board of Selectmen, which order may be made 30 days after the date notice is given by mail to the property owner if the Selectmen's determination, after a public hearing, that the owner has failed to continuously maintain the approved use, or that the owner has commenced a use on the premises other than, or in addition to, the approved use, unless an additional use is otherwise permitted under the Town zoning bylaws and is merely de minimus in nature, whereupon all rights arising from this Economic Development Permit shall be forfeited, including without limitation, any Growth Management Permit or increased sewage flow allocation that may have been granted with respect to the premises, notwithstanding that the premises may have been assessed a betterment or special assessment relating to the increased sewage flow allocation and the allowed use shall be deemed to be expressly abandoned by the property owner, pursuant to Section 6200-3 of the Growth Management Bylaw of the Town.
4. A non-criminal disposition penalty will be assessed on any holder of an Economic Development Permit if found to not continuously maintain the approved use of the premises for which the permit was sought, or if found in violation of the conditions of the permit, in the amount of one hundred dollars (\$100) for the first offense, two hundred dollars (\$200) for the second offense and three hundred dollars (\$300) for the third offense. Each violation shall be deemed to be a separate offense. Repeat violations may be deemed a failure by the holder to continuously maintain the approved use and therefore may be grounds for revocation of the permit. Or to take any other action relative thereto.

[Requested by the Board of Selectmen and Town Manager]

Article 29. General Bylaw Amendment: Chapter 6, Section 2: Employment.

(Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown General Bylaws by amending Section 6-2-1 as follows:

6-2-1. Solicitation of candidates. No employee shall be hired by any agency of the Town without there first being solicitation of candidates for the position in a newspaper of general circulation in the Town for at least two consecutive weeks. Except, however, where the Town Manager determines that one or more internal candidates exist who exhibit qualifications, ability, and reliability, and are worthy of consideration and promotion then an internal posting of the vacancy for a minimum of seven (7) working days shall be posted in a conspicuous place listing the pay, duties and qualifications. Interested employees shall apply in writing to the Town Manager within the seven (7) working day period; or to take any other action relative thereto.

[Requested by the Board of Selectmen and Town Manager]

ZONING BYLAW AMENDMENT ARTICLES

Article 30. Zoning Bylaw Amendment: Definition of Seats. *(Deletions shown in strike-through and new text shown as underlined.)* To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 1, Definitions, by deleting the definition of Seats.

~~Seats: Spaces for sitting or standing, associated with an eating or drinking establishment, with a table, shelf, bar or counter greater than 8 ½ inches in depth on which to set food or drink, without regard to service, shall be considered seats for the purposes of Growth Management. Outdoor benches and chairs adjacent to and facing, but not fenced, roped or otherwise separated from, a public or private way, without an associated 8 ½ inch surface on which to set food and drink, and~~

~~which are available as a public amenity, shall not be considered seats;~~ or to take any other action relative thereto.

Two-Thirds Vote; Planning Board public hearing and report under MGL Chapter 40A, Section 5

[Requested by the Planning Board]

Article 31. Zoning Bylaw Amendment: Accessory Dwelling Units. *(Deletions shown in strike-through and new text shown as underlined.)* To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2440 Table of Permitted Uses and Section 2450 as follows:

2440 Permitted Principal Uses

A.	Residential	Res1	Res2	Res3 ResB	TCC	GC	S	M
A1a	Single Family Dwelling							
	1. one per lot	YES	YES	YES	YES	YES	NO	NO
	2. two per lot (each separate structure)	PB ²⁰ <u>NO</u>	PB ⁽²⁰⁾	PB ⁽²⁺⁾	PB ⁽²⁺⁾	PB ⁽²⁺⁾	NO	NO
	3. three per lot	NO	PB ²⁰ <u>NO</u>	PB ⁽²⁺⁾	PB ⁽²⁺⁾	PB ⁽²⁺⁾	NO	NO
	4. four or more per lot	NO	NO	PB	PB	PB	NO	NO
A1b	Two Family Dwelling							
	1. one per lot	PB ²⁰ <u>NO</u>	PB ⁽²⁰⁾	PB ⁽²⁺⁾	PB ⁽²⁺⁾	PB ⁽²⁺⁾	NO	NO
	2. two per lot (each separate structure)	NO	NO	PB	PB	PB	NO	NO
	3. three per lot	NO	NO	PB	PB	PB	NO	NO
	4. four or more per lot	NO	NO	PB	PB	PB	NO	NO

2450 Permitted Accessory Uses

G.	Residential	Res1	Res2	Res3 ResB	TCC	GC	S	M
G17	Accessory Dwelling Unit (4)	BA <u>YES</u> ²⁰	BA <u>YES</u> ²⁰	BA <u>YES</u> ²⁰	BA <u>YES</u> ²⁰	BA <u>YES</u> ²⁰	<u>NO</u>	<u>NO</u>

And Delete Footnote 4 in its entirety..

~~4Subject to the requirements of Article 4 Section 4800 of these By-Laws:~~

And Amend Footnote 20 as follows:

Footnote 20: ~~By Special Permit from the Planning Board, o~~One accessory dwelling unit may be allowed in the Res1 Zoning District, for a total of two dwelling units per lot; in Res2 Zoning District for a total of three dwelling units per lot; and in the Res3.

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ResB, TCC and GC Zoning Districts when the lot area limits the number of dwelling units to one or two, and there are no more dwelling units on the lot than the number allowed under this Bylaw, for a total of no more than three dwelling units per lot. only if the All accessory dwelling units shall meet the following criteria are met: the accessory dwelling unit is deed restricted for year-round rental only; it is limited in size to 600 square feet if it is a free-standing dwelling unit or 40% of the gross floor area if it is located within the principal residence.

And Delete Footnote 21 in its entirety:

~~Footnote 21: By Special Permit from the Planning Board, one accessory dwelling unit may be allowed in the Res3, ResB, TCC and GC Zoning Districts when the lot area limits the number of dwelling units to one or two, and there are no more dwelling units on the lot than the number allowed under this Bylaw, for a total of no more than three dwelling units per lot, and only if the following criteria are met: the accessory dwelling unit is for year-round rental only; it is limited in size to 600 square feet if it is a free-standing dwelling unit or 40% of the gross floor area if it is located within the principal residence.~~

And

To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2472 Parking Requirements as follows:

2472 All Districts The following minimums must be complied with in all districts:

USE	NUMBER OF SPACES
Residential	1 space/dwelling unit (studio or 1 bedroom); 1.5 spaces /dwelling unit (2 bedrooms or more) (applies to new units, existing development is grandfathered. Required spaces shall be rounded up to the nearest whole number.) <u>Accessory Dwelling Units are exempt.</u>

And Delete Section 4800 Affordable Housing ByLaw in its entity.

And amend Article 1 Definitions as follows:

Accessory Dwelling Units A dwelling unit, which is subordinate in use and area to that of the principal structure and is located on the same lot therewith ~~and subject to the requirements of Article 4-Section 4800 of these By-laws.~~; or to take any other action relative thereto.

Two-Thirds Vote; Planning Board public hearing and report under MGL Chapter 40A, Section 5

[Requested by the Planning Board]

Article 32. Zoning Bylaw Amendment: Growth Management. *(Deletions shown in strike-through and new text shown as underlined.)* To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 6, Growth Management, Section 6600 Growth Limit Goal Allocations as follows:

3. Growth Management Review. Annually, by January ~~15~~31st, the Town Manager, in consultation with the DPW Director, Water Superintendent, Permit Coordinator, Planning Board, Board of Health, Water & Sewer Board, and Provincetown Community Housing Council (PCHC) shall evaluate the effects of growth on our resources over the past year, including but not limited to potable water supply, solid waste disposal, wastewater

disposal, and the inventory of affordable housing and a review of the demand for Category 4a and issue an Annual Growth Management Report to the Board of Selectmen on those impacts and their recommendations therefor. The Board of Selectmen shall hold a Public Hearing on the Report within 30 days, and make a determination as to the amount of the Growth Limitation Goal Allocations, not to exceed the assigned allocations in Section 6600 for the upcoming year.

Article 33. Zoning Bylaw Amendment: Overlay Districts Harborfront. *(Deletions shown in strike-through and new text shown as underlined.)* To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2312 Applicability as follows:

2312 Applicability The following requirements apply to the "Harborfront Area", defined as all that area which is either more than 195 feet seaward (i.e., southward) from the northern edge of the traveled ways of Commercial Street in the ~~Glass GC~~TCC, Town Center Commercial zone or seaward of mean high water, or both.; or to take any other action relative thereto.

Two-Thirds Vote; Planning Board public hearing and report under MGL Chapter 40A, Section 5

[Requested by the Planning Board]

Article 34. Zoning Bylaw Amendment: Building Scale. *(Deletions shown in strike-through and new text shown as underlined.)* To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2640, Building Scale as follows:

2640 Building Scale

A. Applicability. This Section is applicable to all new buildings and all additions in all zoning districts in Provincetown. This Section does not apply to:

1. remodeling where the total volume of the building is to be reduced;
2. ~~This section does not apply to~~ structures destroyed by fire or other similar casualty which may be rebuilt so long as the scale, volume and capacity is not increased and so long as it conforms to all other provisions of these Bylaws including Growth Management, Height and Roof Pitch Regulations or where the proposed addition to an existing structure is less than three hundred twenty-four (324) cubic feet of space; or structures existing prior to April 1, 2018, which are located in the FEMA established A and V zones that are required to raise their buildings above base flood elevation so long as the envelope of the building is not also being increased;
3. for structures in the FEMA established A and V zones that are required to be raised above base flood elevation where there will be an increase in footprint or volume, then only the portion of the building below base flood elevation will be exempted from the scale calculation; or to take any other action relative thereto.

Two-Thirds Vote; Planning Board public hearing and report under MGL Chapter 40A, Section 5

[Requested by the Planning Board]

Article 35. Zoning Bylaw Amendment: Commercial Accommodations. *(Deletions shown in strike-through and new text shown as underlined.)* To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 1, Definitions:

~~**Boarding, Lodging or Tourist Home**~~ A dwelling with a resident manager on the premises or associated with the business when the business occupies more than one parcel, plus accommodations, with or without meals, renting more than three but fewer than twenty separate guest units.~~1~~

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~~Hotel, Motel, Dormitory Housing~~ shall mean a building or group of buildings providing sleeping accommodations (but not individual cooking facilities) for persons lodged with or without meals on a transient basis for compensation, but not meeting the definition of “Boarding, Lodging or Tourist Home or Inn.” Dormitory housing may be on a seasonal or year round basis, but must be for more than a month, and may be related to employment, educational or cultural purposes.

~~Inn~~ shall mean a building or group of buildings with a minimum of twenty (20) separate guest units all situated upon one parcel of land and providing food and sleeping accommodations (but not individual cooking facilities) for persons lodged on a transient basis for compensation and offering as well off-street parking for the convenience of guests as specified elsewhere in these By-Laws.

Commercial Accommodations shall mean boarding, lodging, tourist homes, dormitory, motel, hotel or inn.

Tourist House, Guest House or Bed and Breakfast means a building housing a dwelling unit with a resident manager on the premises or associated with the business when the business occupies more than one parcel, in which overnight rooming accommodations are provided or offered for transient guests for a fee.

Boarding, Lodging or Rooming House means a dwelling or part thereof, in which rental living quarters are provided with or without meals by the owner occupant. The term shall not include “tourist homes” or “bed and breakfast” which provide transient accommodations for a fee.

Dormitory or Employee Housing means a building used as living quarters for a group of unrelated individuals with common kitchen and living facilities on a seasonal or year-round basis , but must be for more than one month, and may be related to employment, educational or cultural purposes.

Hotel, Motel and Inn means a building or group of buildings providing transient lodging for a fee, and may include food, retail and other ancillary services.

And further

To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2440 Table of Permitted Uses as follows:

A.	Residential	Res1	Res2	Res3 ResB	TCC	GC	S	M
A3	Boarding, lodging or Rooming House; Tourist House, Dormitory or Employee Housing	<u>NO</u> <u>BA</u>	YES	YES	YES	YES	NO	NO
<u>A7</u>	<u>Tourist House, Guest house or Bed and Breakfast</u>	<u>NO</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>NO</u>	<u>NO</u>

B.	Business	Res1	Res2	Res3 ResB	TCC	GC	S	M
B3	Hotel, motel or inn ²	BA	BA	YES ³	YES ²	YES ²	NO	NO

And further to delete footnote 2 and 3:

2. Except “NO” if serving alcoholic beverages and containing fewer than twenty guest units;

3. Except “BA” if serving alcoholic beverages and containing fewer

than twenty guest units;

And add new footnote 2:

2. Food service, retail and other ancillary services commonly associated with a hotel, motel or inn use may be permitted by BA within an establishment; or to take any other action relative thereto.

Two-Thirds Vote; Planning Board public hearing and report under MGL Chapter 40A, Section 5

[Requested by the Planning Board]

Article 36. Zoning Bylaw Amendment: Marijuana Establishments. (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote to amend the Provincetown Zoning Bylaw, Article 1, Definitions, by adding the following:

Marijuana Establishment -Retailer means an entity licensed to purchase and deliver marijuana and marijuana products from Marijuana Establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to Marijuana Establishments and to consumers. Shall include those institutions authorized to dispense medical marijuana.

Marijuana Establishment -Industrial means a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, or any other type of licensed marijuana-related business.

~~Medical Marijuana Treatment Center (MMTC) means a not-for-profit entity registered under 105 CMR 725.100, that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, MMTC refers to the site(s) of dispensing, cultivation, and preparation of marijuana.~~

And

To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2440 Table of Permitted Uses as follows:

B.	Business	Res1	Res2	Res3 ResB	TCC	GC	S	M
B14	<u>Marijuana Establishments, Retail</u> ¹⁹	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>PB</u>	<u>PB</u>	<u>NO</u>	<u>NO</u>
B15	<u>Marijuana Establishments, Industrial</u> ¹⁹	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>PB</u>	<u>PB</u>	<u>NO</u>	<u>NO</u>
D.	Institutional	Res1	Res2	Res3 ResB	TCC	GC	S	M
B7	Medical Marijuana Treatment Center ¹⁹	<u>NO</u>	<u>NO</u>	<u>PB</u>	<u>NO</u>	<u>PB</u>	<u>NO</u>	<u>NO</u>

And further to amend footnote 19 as follows:

19. The Planning Board shall be the Special Permit Granting Authority for Medical Marijuana Treatment Centers Marijuana Establishments. Except no MMTC facility or business shall be permitted within a radius of 100 feet of a school or daycare center. The 100 foot distance is measured in a straight line from

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the nearest point of the ~~facility in question~~ parcel of the school or daycare center to the nearest point of the proposed ~~MMTC parcel~~ of the facility or business.; or to take any other action relative thereto.

Two-Thirds Vote; Planning Board public hearing and report under MGL Chapter 40A, Section 5

[Requested by the Planning Board]

Article 37. Zoning Bylaw Amendment: Inclusionary Bylaw. (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 4, Special Regulations, Section 4180 Inclusionary and Incentive Zoning Bylaw as follows:

4. (a) (2) The Payment in Lieu shall be made at and upon the sale or certificate of occupancy of ~~the final~~ each unit, whichever occurs sooner.; or to take any other action relative thereto.

Two-Thirds Vote; Planning Board public hearing and report under MGL Chapter 40A, Section 5

[Requested by the Planning Board]

Article 38. Zoning Bylaw Amendment: Dimensional Schedule. (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2560 Dimensional Schedule as follows:

2560 Dimensional Schedule (See Section 4100 for additional multi-family and commercial accommodation requirements)

Requirements	Residential			Commercial		Seashore	Public Use
	Res1	Res2	Res3 ResB	TCC	GC ³	S	M
Min. Lot Area (square feet)	8,000 <u>16,000</u>	5,000	5,000	5,000	7,000	120,000	--
Min. Lot Frontage (linear feet)	50-100	50	50	50	70	--	--
Min. Front Yard (feet)	30	20 ¹	20 ¹	10 ¹	30-10	50	--
Min. Side Yard (feet)	15	6	6	5 ²	45-10	25	--
Min. Rear Yard (feet)	20	15 ¹	10 ¹	10	25	25	--
Max. Lot Coverage (%)	40	40	40	40	40	--	--
Max. Number of Stories ⁴ (Refer to Story in Definitions)	2 ½	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2
Max. Building Heights ⁵							
Hip, gable and Shed roofs (feet) (6)	33	33	33	33	33	33	33
Mansard, gambrel, arch, or dome roofs (feet)	28	28	28	28	28	28	28
Flat roof defined as less than 3/12 pitch (feet)	23	23	23	23	23	23	23
Harborfront setback (see above)							

1. Or, if smaller, the average of the setbacks of the buildings on the lots thereto on either side, a vacant lot being counted as though occupied by a building set back the minimum required

distance.

2. May be reduced to zero with a party wall (jointly owned by owner or abutting properties) meeting the requirements of the State Building Code, provided that access to the rear of the property is maintained for emergency vehicles.

3. Residential uses shall comply with requirements of the Res3 District.; or to take any other action relative thereto.

Two-Thirds Vote; Planning Board public hearing and report under MGL Chapter 40A, Section 5

[Requested by the Planning Board]

Article 39. Zoning Bylaw Amendment: Section 2360 Formula Business Regulated District. (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote to amend the Provincetown Zoning Bylaws by amending Section 2360 to read as follows:

2360 Formula Business Regulated District.

2361 Definition.

“Formula Business” means a type of retail sales establishment, restaurant, tavern, bar, or take-out food establishment, which is under common control or is a franchise, and is one of ten or more businesses or establishments worldwide maintaining ~~three~~ two or more of the following features:

(a) Standardized menu or standardized array of merchandise with 50% or more of in-stock merchandise from a single distributor bearing uniform markings.

(b) Trademark or service mark, defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others, on products or as part of the store design, such as cups, napkins, bags, boxes, wrappers, straws, store signs or advertising devices.

(c) Standardized signage and color scheme used throughout the interior ~~or exterior~~ of the establishment.

(d) Standardized uniform, including but not limited to, aprons, pants, shirts, smocks or dresses, hat and pins (other than name tags).

(e) Standardized façade, ~~and signage~~ or color scheme used on the exterior of the establishment.

2362 Purpose.

The purpose and intent of the Formula Business Regulated District (FBRD) are to address the adverse social and economic impact of standardized businesses on Provincetown’s community character. Formula Business uses are regulated in the FBRD in order to maintain a unique retail and dining experience. Formula Businesses frustrate this goal by detracting from Provincetown’s overall historic experience and threatening its tourist economy. The proliferation of Formula Businesses will have a negative impact on the Town’s economy, historical relevance, unique character and economic vitality.

(1) Location

The location of the Formula Business Regulated District (FBRD) shall encompass the ~~Town of Provincetown~~ General Commercial (GC) and Town Commercial Center (TCC) zoning districts. Formula businesses are prohibited in all other districts.

(2) Permitted Uses

Any use permitted in the underlying zoning district shall be permitted, except for those specifically prohibited below in

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Section 3. Drive-through facilities are not allowed.

(3) Regulated Uses

The proposed use of any building or structure for a Formula Business establishment shall require both a Special Permit from the Zoning Board of Appeals and a site plan approval of the Planning Board as well as the business license. ~~The impact on the neighborhood and Town visual character of any Formula Business establishment shall be a criteria for approval.~~

Criteria for establishment, expansion, or relocation of a Formula Business:

(a) The Formula Business is designed and operated in a manner that preserves the community's distinctive small-town character;

(b) The Formula Business contributes to the diversity of uses to assure a balanced mix of businesses available to serve residents and visitors;

(c) The Formula Business use, together with the design and any improvements, is compatible with the existing architecture and unique aesthetic appearance of the Town; and

(d) The Formula Business shall not increase the intensity of use on the site to a level that will adversely impact land uses in the area; pedestrian, bicycle, or motor vehicle traffic; or the public welfare.

(4) Determination

A business which meets the initial consideration but does not meet a minimum of 2 of the five required features will need to demonstrate that in writing to the Building Commissioner prior to applying for a business license. A Formula Business may adapt its business activities in consultation with the Building Commissioner so that the proposed establishment no longer qualifies as a Formula Business.

(5) Scope and Validity of the Bylaw. The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision hereof, nor shall it invalidate any building permit, occupancy permit or special permit issued in reliance on said section or provision prior the determination of its invalidity.

And

To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2440 Table of Permitted Uses as follows:

B.	Business	Res1	Res2	Res3 ResB	TCC	GC	S	M
B11	Formula Businesses	NO	NO	BA <u>NO</u>	BA	BA	NO	NO

And,

To see if the Town will vote to amend the Provincetown Zoning Bylaw, Article 1, Definitions, by adding the following:

Façade: The face of a building as seen from a public way or other public space, typically the principal or front elevation of a building; or to take any other action relative thereto.

Two-Thirds Vote; Planning Board public hearing and report under MGL Chapter 40A, Section 5

[Requested by the Planning Board]

CONSENT AGENDA

CONSENT AGENDA - The consent agenda is a meeting practice which groups routine and other non-controversial articles not necessarily requiring discussion or independent vote as separate articles. Using a consent agenda can save precious time by allowing Town Meeting to approve this 'package' of articles together in one motion. Articles under the consent agenda can only be grouped together if the Town Meeting body agrees. If a voter selects a specific article for discussion, it must be removed and placed on the regular agenda for discussion and separate vote by the Town Meeting body.

The Consent Agenda for the Annual Town Meeting includes Articles 40 through 46.

Article 40. Room Occupancy Tax - A Home Rule Petition.

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation applying the local room occupancy tax to seasonal rentals as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT APPROVING THE APPLICATION BY
THE TOWN OF PROVINCETOWN
OF THE LOCAL OPTION ROOM OCCUPANCY EXCISE TO
SEASONAL RENTAL PROPERTIES IN THE TOWN OF
PROVINCETOWN

Section 1. Notwithstanding the provisions of any general or special law to the contrary, in addition to the authority to impose a local excise tax upon any transfer of occupancy of any room or rooms as may be set forth in and authorized by Chapter 64G Section 3A of the Massachusetts General Laws or other law, as the same may be amended from time to time, the Town of Provincetown shall, commencing on the first day of the fiscal year that begins after the effective date of this Act, be authorized to impose a local excise tax upon the transfer of occupancy of any room in a seasonal rental property or other transient accommodations located within said Town by any operator at the rate of up to but not exceeding 6% of the total amount of rent of each such occupancy.

Section 2. For the purposes of this chapter, all terms used herein shall, unless the context requires otherwise, have the same meanings as set forth in Chapter 64G Section 1 of the Massachusetts General Laws and as follows:

"Occupancy," the use or possession, or the right to the use or possession, of any room or rooms in a bed and breakfast establishment, bed and breakfast home, hotel, lodging house, motel, seasonal rental property or other transient accommodation designed and normally used for sleeping and living purposes, or the right to the use or possession of the furnishings or the services and accommodations, including breakfast in a bed and breakfast establishment

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or bed and breakfast home, accompanying the use and possession of such room or rooms, for a period of 90 consecutive calendar days or less, regardless of whether such use and possession is as a lessee, tenant, guest or licensee.

“Seasonal rental property or other transient accommodations” shall mean any bed and breakfast home, as defined by Chapter 64G, Section 1 of the Massachusetts General Laws and any residential or commercial dwelling, dwelling unit or part thereof, unit of a condominium as defined by Chapter 183A of the Massachusetts General Laws or time-share as defined by Chapter 183B of the Massachusetts General Laws, used for the lodging of guests or invitees in exchange for rent.

Section 3. No excise shall be imposed upon for the transfer of occupancy of any room in a seasonal rental property or other transient accommodations if the total amount of rent is less than \$15 per day or its equivalent or if the accommodation, other than a bed and breakfast home, is exempt under the provisions of Chapter 64G, Section 2 of the Massachusetts General Laws.

Section 4. All operators of seasonal rental property or other transient accommodations shall be responsible for assessing, collecting, reporting and paying such local excise tax as set forth in Chapter 64G, Sections 3, 4, 5, 6 and 7A of the Massachusetts General Laws and shall be liable in the same manners as operators in Chapter 64G, Section 7B of the Massachusetts General Laws.

Section 5. This act shall take effect upon its passage; or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Town Manager]

Article 41. 0.5% Real Estate Transfer Fee - A Home Rule Petition. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the Town to impose a 0.5% real estate transfer fee as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT AUTHORIZING
THE TOWN OF PROVINCETOWN
TO IMPOSE A 0.5% REAL ESTATE TRANSFER FEE.

Section 1. There is hereby imposed a real estate transfer fee equal to 0.5% (half percent, ½%) of the purchase price upon the transfer of any real property interest in any real property situated in the Town of Provincetown. Said fee shall be the liability of the purchaser of such property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the purchaser. The fee shall be paid to the Town of Provincetown. The first \$250,000 collected in each fiscal year shall be deposited in the Town’s Capital Improvement Stabilization Fund. The remaining funds collected each fiscal year

shall be deposited into the Town’s General Fund.

Section 2. The following transfers of real property interests shall be exempt from the real estate transfer fee:

A. First time homebuyers who live in the home for at least 5 years. A lien shall accompany the deed stating that “There is running with the land a lien equal to the amount of fee exempted, plus accumulated interest and penalties until such time as all conditions of this sub-section are met.”

B. Transfers to the government of the U.S., the Commonwealth, the Town of Provincetown and any of their instrumentalities, agencies or sub-divisions, such as the Provincetown Housing Authority.

C. Transfers made without additional consideration to confirm, correct, modify or supplement a transfer previously made.

D. Transfers of convenience with consideration under \$100 which include: name change, into trusts, out of trust, etc.

E. Transfers to any charitable organization as defined in Clause 3 of Section 5 of Chapter 59 of the General Laws or any religious organization providing that the real property interests so transferred will be held solely for public charitable or religious purposes.

F. Transfers between family members, marriage partners, parents and children, grandchildren, stepparents and stepchildren, brothers and sisters.

Section 3.

A. The fee imposed shall be due at the time of the transfer of the real property interest.

B. The buyer shall pay interest on any unpaid amount of the fee at the rate the Town collects on unpaid real estate taxes.

C. The Town shall notify a buyer by registered or certified mail of any failure to discharge the amount in full of fee due.

D. All fees and interest required to be paid under this Act shall constitute a personal debt of the buyer and may be recovered in an action of contract.

Section 4. This Act shall take effect on passage;

or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Town Manager]

Article 42. Cape Cod Greenhead Fly Control District Assessment. To see if the Town will vote to raise and appropriate \$1,438.75 for Greenhead Fly Control as authorized by Section 24, Chapter 252 of the General Laws; and to authorize the Town Treasurer to pay said appropriation into the State Treasury; or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Town Manager]

Article 43. Amendments to Personnel Bylaw/Classification and Compensation Plan.

(Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend Schedules A, B and C of the Town’s Classification and Compensation Plan as follows:

Schedule A: To amend Schedule A, “Permanent Full and Part-time Non-Union Positions,” of the Classification and Compensation Plan of the Town, effective July 1, 2017, by replacing the existing compensation plan with the following new compensation plan as adopted by the Personnel Board:

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Grade	Compensation Range		Position					
	FY2018	FY2019						
			Town Manager [exempt MGL C.41,§108N]	5	\$49,332	-	\$61,355	\$50,319 - \$62,582 Secretary to the Board of Selectmen Exec. Assistant to Police Chief Parking Administrator MIS Technician Licensing Agent
14	\$95,102	\$117,699	Chief of Police [exempt MGL C.41,§108O]	4	\$45,822	-	\$57,026	\$46,738 - \$58,167 Library Marketing & Program Director Library Member Services Coordinator
13	\$88,057	\$109,487	Finance Director					Permit Coordinator
			DPW Director					Assistant Tourism Director
12	\$81,906	\$101,837	Staff Lieutenant					COA Outreach Coordinator
			Assistant Town Manager					Principal Accounting Clerk
11	\$76,185	\$94,743	Building Commissioner					no positions assigned
			MIS Director	3	\$42,689	-	\$53,104	\$43,543 - \$54,166 no positions assigned
			Water Superintendent					
10	\$70,870	\$88,100	Town Engineer	2	\$39,710	-	\$49,375	\$40,504 - \$50,363
			DPW Deputy Director	1	\$36,949	-	\$45,925	\$37,688 - \$46,844
			Principal Assessor					
9	\$65,919	\$81,992	DPW Operations Director					
			Health Director					
			Library Director					
			Town Clerk					
			Planner					
8	\$61,312	\$76,249	Tourism Director					
			MIS Analyst					
			COA Director					
			Town Collector					
			Town Treasurer					
			Deputy Emergency Manager/ Transportation Director					
7	\$57,026	\$70,891	Recreation Director					
			Airport Director					
6	\$53,040	\$66,005	Exec. Assistant to Town Manager					
			Project Manager					
			Local Building Inspector					
			Conservation Agent					
			Health Agent					
			Payroll and Employee Benefits Manager					
			Assistant Town Accountant					
			Assistant Library Director					
			Licensing Agent					

Schedule B: To amend Schedule B, "Fire Department Positions," effective July 1, 2018, as requested by the Board of Fire Engineers, as follows:

Annual Stipends for Reimbursement of Expenses

Annual Salary:	FY18 Current	FY19 Proposed	% change
Fire Chief	\$55,000	\$57,750	5.0%
Positions			
1 st Deputy Fire Chief	\$15,000	\$16,500	10.0%
2 nd Deputy Fire Chief	\$12,000	\$13,200	10.0%
District Fire Chief/Engineer	\$6,000	\$6,600	10.0%
Firefighter	\$800	\$800	0.0%
Fire Auxiliary	\$400	\$400	0.0%
Fire Captain	\$1,250	\$1,250	0.0%
Fire Lieutenant	\$500	\$500	0.0%
Engine Steward	\$880	\$880	0.0%
Station Steward	\$1,100	\$1,100	0.0%
Ladder Steward	\$1,300	\$1,300	0.0%
LaFrance Steward	\$500	\$500	0.0%
Oil Inspector	\$1,747	\$1,747	0.0%
Rescue Steward	\$3,600	\$3,600	0.0%
Rescue Captain	\$3,000	\$3,000	0.0%
Rescue Lieutenant	\$1,500	\$1,500	0.0%
Rescue Training Officer	\$3,000	\$3,000	0.0%
Radio Officer	\$800	\$800	0.0%
Air Officer	\$1,500	\$1,500	0.0%
Summer Standby Coordinator	\$3,500	\$4,000	14.3%
Infection Control Officer	\$800	\$800	0.0%
Non-Firefighter Positions			
First Responders	\$25.00/hr	\$25.00/hr	0.0%

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EMT-Basic	\$25.41/hr	\$26.18/hr	3.0%
EMT-Intermediate	\$27.34/hr	\$28.16/hr	3.0%
EMT-Paramedic	\$30.00/hr	\$30.90/hr	3.0%
Standby	\$25.00/hr	\$25.00/hr	0.0%
Safety Inspections	\$20.00/hr	\$20.00/hr	0.0%
Rescue Squad Participation (per quarter)	\$250	\$250	0.0%

Schedule C: To amend Schedule C, "Seasonal and Part-time Non-Union Positions," effective July 1, 2018, as follows:

<u>Grade</u>	<u>Actual FY 2018</u>	<u>Proposed FY 2019</u>	<u>Proposed Position Classifications</u>
N	\$20.32	\$20.72	Police Summer/On-call Dispatcher <u>Code Compliance Officer</u>
M	\$19.72	\$20.11	<i>No Positions Assigned</i>
L	\$19.17	\$19.55	Parking Lot Technical Manager Property Inspector (Assessors)
K	\$18.63	\$19.00	Assistant Harbormaster with police powers Police Officer, Summer/Auxiliary
J	\$18.08	\$18.44	<i>No Positions Assigned</i>
I	\$17.75	\$18.11	Parking Meter Collection/Repair <u>COA Program Coordinator</u> On-call van Driver
H	\$17.23	\$17.57	Police Matron
G	\$16.90	\$17.57	<i>No Positions Assigned</i>
F	\$16.41	\$16.74	Assistant Harbormaster w/o police powers <u>GOA Program Coordinator</u> Parking and Traffic Officers
			Parking Lot Assistant Technical Manager
			Parking Meter Enforcement
			Part-time Clerical
			Secretary, On-call Relief
			Transfer Station Laborer
E	\$16.11	\$16.43	Part-time Library Circulation Aide
D	\$15.65	\$15.96	On-call Library Circulation Aide Parking Lot Attendant/Out-booth/ Floater
C	\$15.19	\$15.49	Barrels & Grounds Laborer Restroom/Building Custodian Seasonal Recreation Supervisor
B	\$14.90	\$15.20	<i>No Positions Assigned</i>
A	\$14.67	\$14.96	Parking Lot Attendant/In-booth Seasonal Recreation Aides

or to take any other action relative thereto.

[Requested by the Personnel Board, the Board of Selectmen and the Town Manager]

Article 44. Expenditures from the Tourism Fund. To see if the Town will vote to transfer from the Tourism Fund the sum of \$750,000 to be expended under the direction of the Board of Selectmen and the Visitor Services Board to fund the following expenditures which market, beautify or enhance tourism in Provincetown pursuant to Chapter 178 of the Acts of 1996:

1. \$140,000 for coordination/support of the Visitor Services Board and the Tourism Department, and costs related thereto;
2. \$400,000 for marketing, and costs related thereto;
3. \$50,000 for municipal projects, and costs related thereto;
4. \$150,000 for tourism grants, and costs related thereto;
5. \$10,000 for Beautification Committee, and costs related thereto;

or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Visitor Services Board]

Article 45. FY 2019 Human Services Grant Program. To see if the Town will vote to raise and appropriate the sum of \$76,750 to be expended under the direction of the Board of Selectmen, to fund grants to assist nonprofit agencies and organizations to maximize available resources to meet needs identified by the community by providing services to local residents, particularly those of low and moderate income and those who are uninsured or underinsured, as follows:

Alzheimer's Family Caregiver Support	\$8,000
Cape Cod Children's Place	\$6,000
Cape Cod Dispute Resolution Center	\$1,700
Consumer Assistance Council	\$550
Food4Kids Program/Church of the Holy Spirit	\$2,000
Gosnold on Cape Cod	\$10,000
Helping Our Women	\$8,500
Homeless Prevention Council	\$6,000
Independence House	\$5,500
Lower Cape Outreach Council, Inc.	\$6,000
Outer Cape Health Services	\$10,000
Sight Loss Services, Inc.	\$600
Soup Kitchen in Provincetown	\$7,000
South Coast Counties Legal Services	<u>\$4,900</u>
Total	<u>\$76,750</u>

or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Human Services Committee]

Article 46. FY2019 Revolving Fund Spending Limits. To see if the Town will vote to establish spending limits for FY 2019 for the following revolving funds established pursuant to MGL Chapter 44, Section 53E½:

1. Preservation of Town Hall Auditorium: up to a limit of \$75,000 annually, to be expended for the repair, updating, refurbishing, operations and maintenance of the Town Hall auditorium under the direction of the Town Manager and the Board of Selectmen;
2. Shellfish Grants: up to a limit of \$2,500 annually, to be expended under the direction of the Shellfish Warden and the Harbormaster for the purpose of shellfish seeding and cultivation on public shellfish areas;
3. B-Street Garden: up to a limit of \$2,500 annually, to be expended for the repair, updating and maintenance of the B-Street Garden under the direction of the Town Manager and the Conservation Commission;
4. Fuel Reimbursement: up to a limit of \$125,000 annually, to be expended for the purchase of fuel under the direction of the Town Manager and the Director of Public Works;
5. Council on Aging Transportation: up to a limit of \$10,000 annually, to be expended for the transportation cost under the direction of the Town Manager and the Director of the Council on Aging;
6. Affordable Housing: up to a limit of \$10,000 annually, to

be expended for costs associated with the administration, management and support of affordable housing in the Town, including, without limitation, cost of marketing and conducting lotteries under the direction of the Town Manager and the Housing Specialist;

7. Facilities and Grounds Rental Revolving Fund: up to a limit of \$10,000 annually, for janitorial hired staffing and other costs related to rental costs under the direction of the Town Manager; or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Town Manager]

**BOARD OF SELECTMEN
TOWN OF PROVINCETOWN**

Cheryl Andrews, Chairman
Erik Yingling, Vice-Chairman
Thomas Donegan
Robert Anthony
Louise Venden

A TRUE COPY, ATTEST:

Darlene Van Alstyne

Town Clerk

Date of publishing: March 15, 2018

NOTES

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FY 2019 Budget Request Summary

BUDGET	FY 2015 ACTUAL	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY 2019 TOWN MGR	FY 2019 BOS	FY 2019 FIN COM
GENERAL GOVERNMENT							
113-ELECTION EXPENSES	\$11,006	\$9,819	\$13,087	\$11,285	\$13,196	\$13,196	\$13,196
114- CHARTER COMMISSION	-	-	-	-	-		
122-SELECTMEN'S S&W	44,924	55,870	54,738	67,339	72,472	72,472	72,472
122-SELECTMEN'S EXPENSES	24,138	13,091	8,376	12,982	14,935	14,935	14,935
SUB-TOTAL	69,062	68,961	63,114	80,321	87,407	87,407	87,407
123 TOWN MANAGER S&W	220,339	294,410	297,100	309,438	274,240	274,240	274,240
123 TOWN MANAGER EXPENSES	26,206	43,712	30,307	39,595	50,095	50,095	50,095
SUB-TOTAL	246,545	338,122	327,407	349,033	324,335	324,335	324,335
151 LEGAL EXPENSES	236,609	184,383	277,072	210,000	210,000	210,000	210,000
156-ADMINISTRATION EXPENSES	50,220	44,931	59,218	59,590	62,250	62,250	62,250
157-LAND BANK EXPENSES	96,514	68,425	60,438	128,604	-	-	-
161-TOWN CLERK S&W	108,126	113,575	120,724	128,386	115,023	115,023	115,023
161-TOWN CLERK EXPENSES	3,870	2,994	3,015	4,845	6,177	6,177	6,177
SUB-TOTAL	111,996	116,569	123,739	133,231	121,200	121,200	121,200
181-BUILDING COMMITTEE EXPENSES	-	-	-	1,000	-	-	-
182-ECONOMIC DEVELOPMENT COMMITTEE	-	-	5,111	26,000	-	-	-
672-ART COMMISSION EXPENSES	8,424	3,145	8,170	8,250	8,250	8,250	8,250
673-CULTURAL COUNCIL EXPENSES	1,359	191	-	200	-	-	-
482-AIRPORT COMM. EXPENSES	97,680	92,606	96,435	99,600	157,600	157,600	157,600
GENERAL GOVERNMENT S&W	373,389	463,855	472,562	505,163	461,735	461,735	461,735
GENERAL GOVERNMENT EXPENSES	556,026	463,297	561,229	601,951	522,503	522,503	522,503
TOTAL GENERAL GOVERNMENT	\$929,415	\$927,152	\$1,033,791	\$1,107,114	\$984,238	\$984,238	\$984,238
FINANCE							
131-FINANCE CTE RESERVE FUND	\$101,943	\$1,309	\$-	\$94,565	\$110,000	\$110,000	\$110,000
131-FINANCE CTE EXP	719	2,500	2,376	4,325	4,325	4,325	4,325
SUB-TOTAL	102,662	3,809	2,376	98,890	114,325	114,325	114,325
135-FINANCE DEPT S&W	184,991	190,038	227,703	226,231	234,755	234,755	234,755
135-FINANCE DEPT EXPENSES	47,875	48,277	73,571	60,178	64,100	64,100	64,100
SUB-TOTAL	232,866	238,315	301,274	286,409	298,855	298,855	298,855
136-MIS DEPT S&W	177,303	192,665	194,688	206,337	210,436	210,436	210,436
136-MIS DEPT EXPENSES	337,574	330,428	374,361	335,000	406,400	406,400	406,400
SUB-TOTAL	514,877	523,093	569,049	541,337	616,836	616,836	616,836
141-ASSESSOR DEPT S&W	180,083	196,134	192,440	197,539	201,758	201,758	201,758
141-ASSESSOR DEPT EXPENSES	42,567	34,362	30,138	59,285	59,285	59,285	59,285
SUB-TOTAL	222,650	230,496	222,578	256,824	261,043	261,043	261,043
145-TREAS/COLLECTOR S&W	158,307	165,595	165,391	173,467	184,517	184,517	184,517
145-TREAS/COLLECTOR EXPENSES	26,103	29,832	63,082	42,665	61,600	61,600	61,600
SUB-TOTAL	184,410	195,427	228,473	216,132	246,117	246,117	246,117
710-DEBT SERVICE EXPENSES	1,974,271	1,939,607	2,135,328	2,033,279	1,976,536	1,915,036	1,915,036
820-TAX TITLE EXPENSES	7,208	7,747	4,910	19,000	0	0	0
910 BENEFIT & INSURANCE EXPENSES	5,444,610	6,062,079	6,302,757	7,243,130	7,567,085	7,567,085	7,567,085
FINANCE S&W	700,684	744,432	780,222	803,574	831,466	831,466	831,466
FINANCE EXPENSES	7,982,870	8,456,141	8,986,523	9,891,427	10,249,331	10,187,831	10,187,831
TOTAL FINANCE	\$8,683,554	\$9,200,573	\$9,766,745	\$10,695,001	\$11,080,797	\$11,019,297	\$11,019,297

BUDGET	FY 2015 ACTUAL	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY 2019 TOWN MGR	FY 2019 BOS	FY 2019 FIN COM
PUBLIC SAFETY							
210-POLICE S&W	\$2,642,017	\$2,300,804	\$2,348,441	\$2,461,575	\$2,528,132	\$2,528,132	\$2,528,132
210-POLICE EXPENSES	159,915	148,788	154,684	166,875	179,500	179,500	179,500
SUB-TOTAL	2,801,932	2,449,592	2,503,125	2,628,450	2,707,632	2,707,632	2,707,632
220-FIRE DEPT S&W	420,361	428,150	462,574	610,690	738,306	738,306	738,306
220-FIRE DEPT EXPENSES	171,918	237,645	237,107	227,535	233,885	233,885	233,885
SUB-TOTAL	592,279	665,795	699,681	838,225	972,191	972,191	972,191
231-AMBULANCE EXPENSES	791,022	810,796	830,238	848,000	872,264	872,264	872,264
250-COMM DEV SUPPORT S&W	52,326	59,171	68,576	109,768	400,426	400,426	400,426
250-COMM DEV SUPPORT EXP	9,005	3,910	5,792	4,300	28,760	28,760	28,760
SUB-TOTAL	61,331	63,081	74,368	114,068	429,186	429,186	429,186
251-BLDG DEPT S&W	182,748	160,635	173,471	189,455	195,954	195,954	195,954
251-BLDG DEPT EXPENSES	6,440	6,370	10,935	7,310	9,260	9,260	9,260
SUB-TOTAL	136,970	167,005	184,406	196,765	205,214	205,214	205,214
252-PLANNING & DEV. S&W	115,651	107,135	171,995	182,951	-	-	-
252-PLANNING & DEV EXPENSES	21,319	2,828	6,462	6,525	-	-	-
SUB-TOTAL	136,970	109,963	178,457	189,476	-	-	-
253-HEALTH DEPT S&W	77,660	107,844	101,959	110,082	114,540	114,540	114,540
253-HEALTH DEPT EXPENSES	5,621	3,696	108,922	125,250	135,525	135,525	135,525
SUB-TOTAL	83,281	111,540	210,881	235,332	250,065	250,065	250,065
254-LICENSING S&W	43,348	46,768	46,769	48,711	57,445	57,445	57,445
254 LICENSING - EXPENSES	3,893	1,301	-	2,300	2,525	2,525	2,525
SUB-TOTAL	47,241	48,069	46,769	51,011	59,970	59,970	59,970
255-HOUSING OFFICE S&W	69,533	109,592	115,696	60,290	48,854	48,854	48,854
255-HOUSING OFFICE - EXPENSES	1,593	-	-	20,000	22,000	22,000	22,000
SUB-TOTAL	71,126	109,592	115,696	80,290	70,854	70,854	70,854
260 CONCOMM - EXPENSES	1,729	3,996	4,736	3,891	-	-	-
SUB-TOTAL	7,624	3,996	4,736	3,891	-	-	-
261-PLANNING BOARD EXPENSES	1,034	4,340	4,591	15,240	-	-	-
262-ZONING BOARD EXPENSES	2,115	2,700	3,173	4,360	-	-	-
263-HISTORICAL COMM. EXPENSES	500	816	600	600	-	-	-
264-HISORIC DISTR COMM. EXPENSES	-	472	1,274	3,081	-	-	-
265-BOARD OF HEALTH EXPENSES	1,250	1,805	2,638	2,643	-	-	-
291-EMERGENCY MGT EXPENSES	-	-	-	-	25,000	25,000	25,000
291-EMERGENCY MGT EXPENSES	8,580	8,208	4,938	10,750	10,750	10,750	10,750
SUB-TOTAL	8,580	8,208	4,938	10,750	35,750	35,750	35,750
294-HARBOR CTE EXPENSES	63	-	907	1,400	1,400	1,400	1,400
295-HARBORMASTER EXPENSES	118,263	195,000	195,000	196,950	200,889	200,889	200,889
296-SHELLFISH S&W	36,208	41,429	43,105	44,371	45,297	45,297	45,297
296-SHELLFISH EXPENSES	6,179	8,438	11,775	13,250	13,250	13,250	13,250
SUB-TOTAL	42,387	49,867	54,880	57,621	58,547	58,547	58,547
299-PARKING DEPT S&W	337,574	321,266	345,856	375,072	423,458	423,458	423,458
299-PARKING DEPT EXPENSES	88,944	92,196	121,426	121,300	128,500	128,500	128,500
SUB-TOTAL	426,518	413,462	467,282	496,372	551,958	551,958	551,958
PUBLIC SAFETY S&W	3,913,788	3,682,794	3,878,442	4,192,965	4,577,412	4,577,412	4,577,412
PUBLIC SAFETY EXPENSES	1,397,790	1,533,305	1,705,198	1,781,560	1,838,508	1,838,508	1,838,508
TOTAL PUBLIC SAFETY	\$5,311,578	\$5,216,099	\$5,583,640	\$5,974,525	\$6,415,920	\$6,415,920	\$6,415,920
PUBLIC WORKS							
192-BLDGS & GROUNDS S&W	\$634,311	\$684,519	\$702,503	\$823,078	\$844,327	\$844,327	\$844,327
192-B&G OTHER B BUDGET EXPENSES	640,377	438,817	432,881	609,160	596,460	596,460	596,460
192 TOWN BLDG BETTERMENTS	41,004	43,808	43,808	43,808	43,808	43,808	43,808
SUB-TOTAL	1,315,692	1,167,144	1,179,192	1,476,046	1,484,595	1,484,595	1,484,595

PROVINCETOWN BANNER PUBLISHED MARCH 15, 2018

TOWN WARRANT

FY 2019 Budget Request Summary

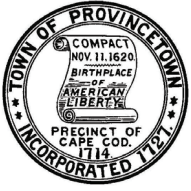
BUDGET	FY 2015 ACTUAL	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY 2019 TOWN MGR	FY 2019 BOS	FY 2019 FIN COM	BUDGET	FY 2015 ACTUAL	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY 2019 TOWN MGR	FY 2019 BOS	FY 2019 FIN COM
545-DISABILITY COMM. EXPENSES	-	3,664	328	5,000	5,000	5,000	5,000	SUB-TOTAL	40,847	111,558	210,881	-	-	-	-
550-ANIMAL WELFARE CTE EXPENSES	-	-	387	300	300	300	300	512-HUMAN SERVICES S&W	\$19,141	\$20,176	\$19,718	\$20,926	\$21,778	\$21,778	\$21,778
560-BICYCLE COMMITTEE EXPENSES	4,698	9,637	3,930	8,000	8,000	8,000	8,000	512-HUMAN SERVICES EXPENSES	21,706	21,188	19,772	21,410	21,410	21,410	21,410
421-DPW ADMIN S&W	122,204	132,732	129,873	137,644	144,158	221,867	221,867	SUB-TOTAL	40,847	41,364	39,490	42,336	43,188	43,188	43,188
421-DPW ADMIN EXPENSES	222,461	208,661	183,794	234,000	232,850	232,850	232,850	513-BOARD OF HEALTH EXPENSES	13,450	1,750	1,488	-	-	-	-
SUB-TOTAL	344,665	341,393	313,667	371,644	377,008	454,717	454,717	541-COUNCIL ON AGING S&W	190,047	211,845	214,220	222,310	226,372	226,372	226,372
422-HIGHWAY S&W	436,387	445,462	437,687	477,799	485,929	485,929	485,929	541-COUNCIL ON AGING EXPENSES	13,450	14,165	15,674	25,800	26,100	26,100	26,100
422-HIGHWAY EXPENSES	109,746	104,291	102,089	127,000	124,350	124,350	124,350	SUB-TOTAL	203,497	226,010	229,894	248,110	252,472	252,472	252,472
SUB-TOTAL	546,133	549,753	539,776	604,799	610,279	610,279	610,279	543-VETERANS SERVICES EXPENSES	25,169	24,882	28,630	43,233	43,233	43,233	43,233
423-SNOW & ICE S&W	64,477	27,000	32,007	27,000	27,000	27,000	27,000	610-LIBRARY S&W	182,895	236,944	228,188	249,194	278,137	278,137	278,137
423-SNOW & ICE EXPENSES	200,606	40,700	71,575	140,700	140,700	140,700	140,700	610-LIBRARY EXPENSES	82,337	75,907	78,819	81,500	96,850	96,850	96,850
SUB-TOTAL	265,083	67,700	103,582	167,700	167,700	167,700	167,700	SUB-TOTAL	265,232	312,851	307,007	330,694	374,987	374,987	374,987
431-SOLID WASTE S&W	428,078	445,702	457,455	489,628	499,298	499,298	499,298	630-RECREATION DEPT S&W	150,820	150,976	163,689	169,141	183,252	183,252	183,252
431-SOLID WASTE EXPENSES	140,350	343,861	205,932	442,430	432,900	432,900	432,900	630-RECREATION DEPT EXPENSES	19,170	20,706	19,040	21,450	21,450	21,450	21,450
SUB-TOTAL	568,428	789,563	663,387	932,058	932,198	932,198	932,198	SUB-TOTAL	169,990	171,682	182,729	190,591	204,702	204,702	204,702
432-RECYCLING COMMITTEE EXPENSES	2,750	2,325	2,221	4,750	11,950	11,950	11,950	PUBLIC SERVICE S&W	562,044	727,803	727,774	661,571	709,539	709,539	709,539
SUB-TOTAL	2,750	2,325	2,221	4,750	11,950	11,950	11,950	PUBLIC SERVICE EXPENSES	211,469	178,931	285,160	215,143	209,043	209,043	209,043
439-WASTE DISPOSAL EXPENSES	146,625	222,341	220,506	-	-	-	-	TOTAL PUBLIC SERVICE	\$773,513	\$906,734	\$1,012,934	\$876,714	\$918,582	\$918,582	\$918,582
SUB-TOTAL	146,625	222,341	220,506	-	-	-	-	PUBLIC SCHOOLS							
PUBLIC WORKS S&W	1,685,457	1,735,415	1,759,525	1,955,149	2,000,712	2,078,421	2,078,421	LOCAL PUBLIC SCHOOLS	\$2,811,291	\$2,980,082	\$3,055,936	\$3,179,764	\$3,253,656	\$3,253,656	\$3,253,656
PUBLIC WORKS EXPENSES	1,508,617	1,418,105	1,267,451	1,615,148	1,596,318	1,596,318	1,596,318	HIGH SCHOOL	779,007	591,746	662,061	629,400	894,119	893,691	893,691
TOTAL PUBLIC WORKS	\$3,194,074	\$3,153,520	\$3,026,976	\$3,570,297	\$3,597,030	\$3,674,739	\$3,674,739	SUB-TOTAL	3,590,298	3,571,828	3,717,997	3,809,164	4,147,775	4,147,347	4,147,347
PUBLIC SERVICE								CAPE COD REGIONAL TECH	100,850	75,735	57,490	110,000	110,000	110,000	110,000
511-HEALTH & CONSERVATION S&W	\$19,141	\$107,862	\$101,959	\$-	\$-	\$-	\$-	SUB-TOTAL	100,850	75,735	57,490	110,000	110,000	110,000	110,000
511-HEALTH & CONSERVATION EXPENSES	21,706	3,696	108,922	-	-	-	-	TOTAL PUBLIC SCHOOLS	\$3,691,148	\$3,647,563	\$3,775,487	\$3,919,164	\$4,257,775	\$4,257,347	\$4,257,347

OPERATING BUDGET SUMMARY

	FY 2015 ACTUAL	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY 2019 TOWN MGR	FY 2019 BOS	FY 2019 FINCOM
TOTAL GENERAL GOV'T	929,415	927,152	1,033,791	1,107,114	984,238	984,238	984,238
% INCREASE	-0.24%	11.50%	7.09%	-11.10%	-11.10%	-11.10%	
TOTAL FINANCE	8,683,554	9,200,573	9,766,745	10,695,001	11,080,797	11,019,297	11,019,297
% INCREASE	5.95%	6.15%	9.50%	3.61%	3.03%	3.03%	
TOTAL PUBLIC SAFETY	5,311,578	5,216,099	5,583,640	5,974,525	6,415,920	6,415,920	6,415,920
% INCREASE	-1.80%	7.05%	7.00%	7.39%	7.39%	7.39%	
TOTAL PUBLIC WORKS	3,194,074	3,153,520	3,026,976	3,570,297	3,597,030	3,674,739	3,674,739
% INCREASE	-1.27%	-4.01%	17.95%	0.75%	2.93%	2.93%	
TOTAL PUBLIC SERVICE	773,513	906,734	1,012,934	876,714	918,582	918,582	918,582
% INCREASE	17.22%	11.71%	-13.45%	4.78%	4.78%	4.78%	
TOTAL PUBLIC SCHOOLS	3,590,298	3,571,828	3,717,997	3,809,164	4,147,775	4,147,347	4,147,347
% INCREASE	-0.51%	4.09%	2.45%	8.89%	8.88%	8.88%	
TOTAL CAPE COD REG. TECH	100,850	75,735	57,490	110,000	110,000	110,000	110,000
% INCREASE	-24.90%	-24.09%	45.24%	0.00%	0.00%	0.00%	
TOTAL OPERATING BUDGET	22,583,281	23,051,641	24,199,573	26,142,815	27,254,342	27,270,123	27,270,123
	2.07%	4.98%	8.03%	4.25%	4.31%	4.31%	
BUDGET INCREASES							
PAYROLL	7,235,362	7,354,299	7,618,525	8,118,422	8,580,864	8,658,573	8,658,573
% INCREASE					5.70%	6.65%	6.65%
DEBT SERVICE	1,974,271	1,939,607	2,135,328	2,033,279	1,976,536	1,915,036	1,915,036
% INCREASE					-2.79%	-5.82%	-5.82%
BENEFITS/OTHER INSURANCE	5,444,610	6,062,079	6,302,757	7,243,130	7,567,085	7,567,085	7,567,085
% INCREASE					4.47%	4.47%	4.47%
PUBLIC EDUCATION	3,691,148	3,647,563	3,775,487	3,919,164	4,257,775	4,257,347	4,257,347
% INCREASE					8.64%	8.63%	8.63%
NON-PAYROLL OPERATING EXPENSES	4,237,890	4,048,093	4,367,476	4,828,820	4,872,082	4,872,082	4,872,082
					0.90%	0.90%	0.90%

PROVINCETOWN BANNER PUBLISHED MARCH 15, 2018

TOWN WARRANT



Public Hearings

Articles in the April 2, 2018 Annual and Special Town Meeting Warrants

CONSERVATION COMMISSION: Natural Environment Articles

In accordance with §2-2-1 of the Provincetown Charter, the Provincetown Conservation Commission held a Public Hearing on **Tuesday, March 20, 2018 at 6:30 pm** in the Judge Welsh Hearing Room, Town Hall, 260 Commercial Street, Provincetown, MA to determine the number of Board members in favor or opposed to the petitioned articles concerning Natural Environment for the April 2, 2018 Annual and Special Town Meetings.

Alfred Famiglietti, Chairman

BOARD OF HEALTH: Public Health Articles

In accordance with §2-2-2 of the Provincetown Charter, the Provincetown Board of Health will hold a Public Hearing on **Thursday, March 15, 2018 at 4:00 pm** in the Judge Welsh Hearing Room, Town Hall, 260 Commercial Street, Provincetown, MA to determine the number of Board members in favor or opposed to the petitioned articles concerning public health for the April 2, 2018 Annual and Special Town Meetings.

Mark Phillips, Chairman

PLANNING BOARD: Land Use or Development Articles

In accordance with §2-2-3 of the Provincetown Charter, the Provincetown Planning Board will hold a Public Hearing on **Thursday, March 22, 2018 at 6:30 pm** in the Judge Welsh Hearing Room, Town Hall, 260 Commercial Street, Provincetown, MA to determine the number of Board members in favor or opposed to the petitioned articles concerning land use or development for the April 2, 2018 Annual and Special Town Meetings.

David Abramson, Chairman

CHARTER ENFORCEMENT COMMISSION: Charter Articles

In accordance with §2-2-3 of the Provincetown Charter, the Provincetown Charter Enforcement Commission held a Public Hearing on **Wednesday, March 21, 2018 at 5:00 pm** in the Community Development Conference Room, Town Hall, 260 Commercial Street, Provincetown, MA to determine the number of Board members in favor or opposed to the petitioned articles concerning the Provincetown Charter for the April 2, 2018 Annual and Special Town Meetings.

Robert Klytta, Chairman

Posted: Town Hall, <http://www.provincetown-ma.gov>

Published: Provincetown Banner: March 1, 8 and 15, 2018

NOTES